

# HOUSE BILL No. 1027

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 16-18-2-69; IC 16-34-2-1.1.

**Synopsis:** Written informed consent in Spanish and English to abortion. Provides that the information that must be provided to a pregnant woman in order for the woman's consent to an abortion to be voluntary and informed must be provided to the woman in writing in English and Spanish as well as orally. (Current law requires that the information be given only orally and contains no language requirements.) Requires the department of health to develop a form in both English and Spanish to be used by a pregnant woman in certifying that she has received the required information.

**Effective:** Upon passage; July 1, 2008.

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**Cheatham, Thompson**

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January 8, 2008, read first time and referred to Committee on Public Policy.

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Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

## HOUSE BILL No. 1027

A BILL FOR AN ACT to amend the Indiana Code concerning health.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 16-18-2-69 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 69. "Consent", for  
3 purposes of IC 16-34, means a written agreement to submit to an  
4 abortion:

5 (1) after the consenting party has had a full explanation of the  
6 abortion procedure to be performed, including disclosures and  
7 information required by IC 16-34-2-1.1; and

8 (2) as evidenced by the signature of the consenting party on a  
9 consent form prescribed by the state department of health **as**  
10 **required under IC 16-34-2-1.1(a)(3).**

11 SECTION 2. IC 16-34-2-1.1, AS AMENDED BY P.L.36-2005,  
12 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
13 JULY 1, 2008]: Sec. 1.1. (a) An abortion shall not be performed except  
14 with the voluntary and informed consent of the pregnant woman upon  
15 whom the abortion is to be performed. Except in the case of a medical  
16 emergency, consent to an abortion is voluntary and informed only if the  
17 following conditions are met:



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(1) At least eighteen (18) hours before the abortion and in the presence of the pregnant woman, the physician who is to perform the abortion, the referring physician or a physician assistant (as defined in IC 25-27.5-2-10), an advanced practice nurse (as defined in IC 25-23-1-1(b)), or a midwife (as defined in IC 34-18-2-19) to whom the responsibility has been delegated by the physician who is to perform the abortion or the referring physician has ~~orally~~ informed the pregnant woman, **orally and in writing in the English and Spanish languages**, of the following:

(A) The name of the physician performing the abortion.

(B) The nature of the proposed procedure or treatment.

(C) The risks of and alternatives to the procedure or treatment.

(D) The probable gestational age of the fetus, including an offer to provide:

(i) a picture or drawing of a fetus;

(ii) the dimensions of a fetus; and

(iii) relevant information on the potential survival of an unborn fetus;

at this stage of development.

(E) The medical risks associated with carrying the fetus to term.

(F) The availability of fetal ultrasound imaging and auscultation of fetal heart tone services to enable the pregnant woman to view the image and hear the heartbeat of the fetus and how to obtain access to these services.

(2) At least eighteen (18) hours before the abortion, the pregnant woman will be ~~orally~~ informed, **orally and in writing in the English and the Spanish languages**, of the following:

(A) That medical assistance benefits may be available for prenatal care, childbirth, and neonatal care from the county office of family and children.

(B) That the father of the unborn fetus is legally required to assist in the support of the child. In the case of rape, the information required under this clause may be omitted.

(C) That adoption alternatives are available and that adoptive parents may legally pay the costs of prenatal care, childbirth, and neonatal care.

(3) The pregnant woman certifies in writing, before the abortion is performed, that the information required by subdivisions (1) and (2) has been provided.

(b) Before an abortion is performed, the pregnant woman may, upon the pregnant woman's request, view the fetal ultrasound imaging and

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1 hear the auscultation of the fetal heart tone if the fetal heart tone is  
2 audible.

3 (c) The department shall develop a written form in the English  
4 and Spanish languages to be used by a pregnant woman in  
5 certifying, under subsection (a)(3), that the information required  
6 by subsection (a)(1) and (a)(2) has been provided to her.

7 SECTION 3. [EFFECTIVE UPON PASSAGE] The state  
8 department of health shall develop the written form required by  
9 IC 16-34-2-1.1(c), as amended by this act, before July 1, 2008.

10 SECTION 4. An emergency is declared for this act.

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